

Paul Hastings

Paul, Hastings, Janofsky & Walker LLP  
Park Avenue Tower  
75 East 55th Street  
First Floor  
New York, NY 10022  
telephone 212-318-6000 • facsimile 212-319-4090 • www.paulhastings.com

Atlanta  
Beijing  
Brussels  
Chicago  
Frankfurt  
Hong Kong  
London  
Los Angeles  
Milan  
New York  
Orange County  
Palo Alto  
Paris  
San Diego  
San Francisco  
Shanghai  
Tokyo  
Washington, DC

(212) 318-6549  
bradfordyoung@paulhastings.com

June 7, 2010

70008.00002

VIA ECF

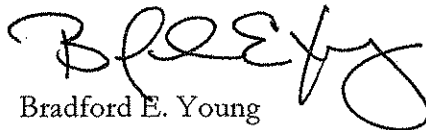
Hon. Joseph F. Bianco  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: FragranceNet.com, Inc. et al. v. FragranceX.com, Inc., 06-CV-2225 (JFB) (AKT)

Dear Judge Bianco:

In reviewing the materials filed with the Court on Friday, June 4, 2010, it has come to our attention that three of the exhibits to the declaration of Dennis M. Apfel should have been filed under seal. Specifically, Exhibits A-C (Docket Entry Nos. 168-1, 168-2 and 168-3) are documents that were produced by a non-party in a state court litigation under the agreement that, if used in a different litigation, they would be treated as confidential. Accordingly, plaintiffs FragranceNet.com, Inc. and Telescents, Inc. hereby respectfully move the Court for an order directing the Clerk of the Court to remove the above documents from the public docket and to file them under seal. Plaintiffs note that the public or sealed status of the exhibits to the Apfel declaration will not affect the Court's determination of whether or not to dismiss defendant's abuse of process counterclaim under Rule 12 or to grant summary judgment thereon under Rule 56.

Respectfully submitted,



Bradford E. Young  
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: John W. Dozier, Jr., Esq. (via ECF and E-Mail)  
Robert L. Sherman, Esq.